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HOUSE BILL 749 By
Garrett

SENATE BILL 1324
By Haynes

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 36,
relative to line of duty death benefits payable by the
Tennessee Consolidated Retirement System.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-36-108, is amended by deleting subsection (b)(5) and by substituting instead the following:

(b)(5) Notwithstanding any other law to the contrary, if the named beneficiary is someone other than the member's spouse or children, that designee is entitled to any benefits payable without regard to this section. Provided, however, that such named beneficiary may disclaim any benefits payable in order for the retirement system to provide the benefits that would be payable under this section. In the event the such named beneficiary receives a benefit, the benefits that would have been payable to a spouse or children but for the member's designation of another beneficiary shall be paid to the spouse or children, offset by the actuarial value or the lump sum amount that is

payable to the named beneficiary. It is further provided that the line of duty benefits payable to a member's child or children under this section shall have a minimum value of fifty thousand dollars (\$50,000.00). In the case of minor children as of the date of death, such value shall be paid in monthly installments calculated on a sixty (60) month basis divided equally between such children. Once a child attains majority status the payments shall be redistributed to the remaining minor children. Once all children attain majority status, any remainder of the minimum amount shall be paid to all surviving children divided equally between such children.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. The provisions of this act shall be subject to the funding being provided in the general appropriations act.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.